

## Pongkhamsing, Chan

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**From:** [REDACTED]  
**Sent:** Friday, May 30, 2014 9:18 PM  
**To:** Pongkhamsing, Chan  
**Subject:** RE: Gunshy Manor

Thanks. I will send it next week from my wife's email [REDACTED]. I do not want to use my work email but do not currently have a private email account..

Also, I was told that the developer stated he did not have a permit and did not need one at a public meeting last week.

The wetlands are part of an approximately 160 acre tract of land that is (1) located on the east side of 196<sup>th</sup> Avenue NE, Redmond 98053, which is a registered historic landmark and (2) directly adjacent to the Evans Creek Natural area, a 38 acre nature preserve in the Bear Creek Basin. The property consists of the following King County tax parcels: 0825069012, 0825069055, 0825069013, 0825069029, 0825069102. Evans Creek flows through the western portion of the natural area and across the southeastern portion of the subject property. Evans Creek and the surrounding property contain significant habitat for a variety of fish, bird and mammalian wildlife species. "Evans Creek is home to Chinook salmon as well as substantial populations of coho and sockeye salmon. See <http://www.kingcounty.gov/environment/waterandland/natural-lands/ecological/evans-creek.aspx>. Chinook salmon are listed as threatened under the federal Endangered Species Act. I and numerous other neighbors have observed salmon in Evans Creek and its tributaries on the surrounding property each fall. According to the National Wetlands inventory, the wetlands on the subject property are a non-tidal Palustrine system dominated by trees, shrubs, emergents, and moss. Areas of the subject property flood after storm events. The flooding became so pervasive after storm events, with standing water persisting for weeks, that the owner of the subject property installed drain tiles on the north western parcel in 2012.

I suspect the developer will try to argue the discharges were exempt under 404(f) (1) as maintaining a farm road. I will address that in the materials we send. There is no credible basis for such a defense. While the property was used by him and his father to raise race horses and he has continued to cut and in some instances hay the fields to maintain a groomed look, he ceased the horse breeding years ago. The aerial photos confirm the roads were constructed within the past 5 years and were not there when he or his father were engaged in agricultural activities. More importantly, the newly constructed roads within the past 5 years match perfectly with the layout for his proposed development. It is highly unlikely that a judge or a jury would conclude that these roads were for agricultural purposes. If he relies on 404(f), it will be an improper use of an important exemption for ranchers and farmers that would not succeed in court. Take a look at [thegunshymanor.com](http://www.gunshymanor.com) and <http://www.youtube.com/watch?v=jJKV7PwXoJw>. Note that the highly produced Youtube piece was posted two years ago. Discovery would further demonstrate that the roads were to support his proposed development. It has also been widely known in the community [REDACTED] that he was trying to get a development approved.

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**From:** Pongkhamsing, Chan [mailto:Pongkhamsing.Chan@epa.gov]  
**Sent:** Friday, May 30, 2014 3:05 PM  
**To:** [REDACTED]  
**Subject:** Gunshy Manor

Hi [REDACTED],

Thank you contacting EPA about this issue. I am in discussions with our partner agency, US Army Corps of Engineers, who will check for any permits associated with the development.

I look forward to receiving the additional information you mentioned.

Gratitude,

Chan Pongkhamsing  
CWA 404 Enforcement Coordinator  
Aquatic Resources Unit  
Ecosystems, Tribal, and Public Affairs Office  
U.S. Environmental Protection Agency, Region 10  
1200 Sixth Avenue, Suite 900, ETPA-083  
Seattle, Washington 98101  
(206) 553-1806